

ASSEMBLY BILL

No. 2181

Introduced by Assembly Member Firestone

February 19, 1998

An act to amend Sections 42825, 42835, and 42850 of, and to add Sections 42850.1 and 42876 to, the Public Resources Code, relating to waste tires.

LEGISLATIVE COUNSEL'S DIGEST

AB 2181, as introduced, Firestone. Solid waste: tires.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Existing law imposes civil and criminal penalties for violation of specified provisions pertaining to waste tires.

This bill would impose additional criminal penalties for violations of those provisions thereby imposing a state-mandated local program by creating new crimes. The bill would also modify the amount of a civil penalty that may be imposed for certain violations.

(2) The existing California Tire Recycling Act, which is a part of the waste management act, requires the board to initiate a tire recycling program that promotes and develops alternatives to the landfill disposal of used whole tires.

This bill would specify that the size of individual pieces of shredded tires deposited in landfill shall not exceed 2 inches in length.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42825 of the Public Resources
2 Code is amended to read:

3 42825. (a) Any person who accepts waste tires at a
4 major waste tire facility ~~which~~ *that* has not been issued a
5 permit or *who* knowingly directs or transports waste tires
6 to a major waste tire facility ~~which~~ *that* has not been
7 issued a permit shall, upon conviction, be punished by a
8 fine of not less than ten thousand dollars (\$10,000) for
9 each day of violation, by imprisonment in the county jail
10 for not more than one year, or by both that fine and
11 imprisonment.

12 (b) *For purposes of subdivision (a), "each day of*
13 *violation" means each day on which a violation continues.*
14 *In any case where a person has accepted waste tires at a*
15 *major waste tire facility, or knowingly directed or*
16 *transported waste tires to a major waste tire facility, that*
17 *has not been issued a permit, in violation of subdivision*
18 *(a), each day that the waste tires remain at the facility*
19 *and the person has knowledge thereof is a separate*
20 *additional violation, unless the person has filed a report*
21 *with the board disclosing the violation and is in*
22 *compliance with any order regarding the waste tires*
23 *issued by the board, a hearing officer, or a court of*
24 *competent jurisdiction.*

25 SEC. 2. Section 42835 of the Public Resources Code is
26 amended to read:

27 42835. (a) Any person who accepts waste tires at a
28 minor waste tire facility ~~which~~ *that* has not been issued a
29 permit or *who* knowingly directs or transports waste tires



1 to a minor waste tire facility ~~which~~ *that* has not been
2 issued a permit shall, upon conviction, be punished by a
3 fine of not less than five hundred dollars (\$500) nor more
4 than five thousand dollars (\$5,000) for each day of
5 violation, by imprisonment in the county jail for not more
6 than one year, or by both that fine and imprisonment.

7 *(b) For purposes of subdivision (a), "each day of*
8 *violation" means each day on which a violation continues.*
9 *In any case where a person has accepted waste tires at a*
10 *minor waste tire facility, or knowingly directed or*
11 *transported waste tires to a minor waste tire facility, that*
12 *has not been issued a permit, in violation of subdivision*
13 *(a), each day that the waste tires remain at the facility*
14 *and the person has knowledge thereof is a separate*
15 *additional violation, unless the person has filed a report*
16 *with the board disclosing the violation and is in*
17 *compliance with any order regarding the waste tires*
18 *issued by the board, a hearing officer, or a court of*
19 *competent jurisdiction.*

20 SEC. 3. Section 42850 of the Public Resources Code is
21 amended to read:

22 42850. (a) Any person who ~~intentionally~~ ~~or~~
23 negligently violates any provision of this chapter, or any
24 permit, rule, regulation, standard, or requirement issued
25 or adopted pursuant to this chapter, is liable for a civil
26 penalty ~~not to exceed ten thousand dollars (\$10,000) of~~
27 *not less than five hundred dollars (\$500) or more than five*
28 *thousand dollars (\$5,000), for each violation of a separate*
29 *provision of this chapter or, for continuing violations, for*
30 *each day that the violation continues.*

31 (b) Liability under this section may be imposed in a
32 civil action or liability may be imposed administratively
33 pursuant to this article.

34 SEC. 4. Section 42850.1 is added to the Public
35 Resources Code, to read:

36 42850.1. Any person who intentionally violates any
37 provision of this chapter, or any permit, rule, regulation,
38 standard, or requirement issued or adopted pursuant to
39 this chapter, shall, upon conviction, be punished by a fine
40 not to exceed ten thousand dollars (\$10,000) for each day

1 of violation, by imprisonment in the county jail for not
2 more than one year, or by both that fine and
3 imprisonment.

4 SEC. 5. Section 42876 is added to the Public Resources
5 Code, to read:

6 42876. The size of individual pieces of shredded tires
7 deposited in landfill shall not exceed two inches in length
8 in order to promote the availability of waste tires for
9 productive end use and to remove any economic bias that
10 favors landfill deposition of shredded waste tires. For
11 purposes of this chapter, productive end use does not
12 include landfill deposition of shredded tires.

13 SEC. 6. No reimbursement is required by this act
14 pursuant to Section 6 of Article XIII B of the California
15 Constitution because the only costs that may be incurred
16 by a local agency or school district will be incurred
17 because this act creates a new crime or infraction,
18 eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition
21 of a crime within the meaning of Section 6 of Article
22 XIII B of the California Constitution.

23 Notwithstanding Section 17580 of the Government
24 Code, unless otherwise specified, the provisions of this act
25 shall become operative on the same date that the act
26 takes effect pursuant to the California Constitution.

